

Amendments to the Claims

Claim 1 (Original): Hybrid maize seed designated 35Y54, representative seed of said hybrid 35Y54 having been deposited under ATCC accession number _____.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

Claim 5 (Previously amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 35Y54, representative seed of said hybrid maize plant 35Y54 having been deposited under ATCC accession number _____, wherein the tissue culture regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 35Y54.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts of said cells having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Original): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 35Y54, representative seed having been deposited under ATCC accession number _____.

Claim 8 (Currently amended): The maize plant of claim 2 wherein said maize plant ~~has been manipulated to be male sterile~~ comprises an introgressed cytoplasmic gene that confers male sterility.

Claims 9-19 (Previously canceled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Previously canceled)

Claim 33 (Currently amended): A method of developing a transgenic 35Y54 maize plant, comprising transforming at least one of the inbred parents of 35Y54 with a transgene, wherein said transgene is selected from the group consisting of a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a gene that encodes a product that modifies fatty acid metabolism, that decreases phytate content, or that modifies starch metabolism and wherein a representative sample of said inbred parents have been deposited as _____ for GE570932 or _____ for GE486862, and crossing said inbred parents to produce a transgenic 35Y54 hybrid maize plant.

Claim 34 (Currently amended): The maize plant produced by the method of claim 33 ~~wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value-added trait gene.~~

Claim 35 (Currently amended): The maize plant produced by the method of claim 34 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* endotoxin polypeptide, ~~a derivative thereof or a synthetic polypeptide modeled thereto.~~

Claim 36 (Currently amended): The maize plant of claim 34 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring ~~imadazolinone~~ imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 37 (Currently amended): A method of developing a backcross conversion 35Y54 hybrid maize plant, comprising backcrossing a gene mutant gene or transgene into at least one of the inbred parents of 35Y54, wherein said backcross conversion mutant gene or transgene is selected from the group consisting of a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, and a male sterility gene, and a gene that encodes a product that modifies fatty acid metabolism, that decreases phytate content, or that modifies starch metabolism and wherein a representative sample of said inbred parents have been deposited as _____ for GE570932 or _____ for GE486862, and crossing said inbred parents to produce a transgenic backcross conversion 35Y54 hybrid maize plant.

Claim 38 (Currently amended): The maize plant produced by the method of claim 37 ~~wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.~~

Claim 39 (Currently amended): The maize plant produced by the method of claim 38 wherein said mutant gene or transgene is an insect resistance gene encoding a *Bacillus thuringiensis* endotoxin polypeptide, ~~a derivative thereof or a synthetic polypeptide modeled thereto.~~

Claim 40 (Currently amended): The maize plant produced by the method of claim 38 wherein said mutant gene or transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a mutant gene or transgene conferring ~~imadazolinone~~ imidazolinone resistance and a mutant gene or transgene conferring sulfonylurea resistance.

Claim 41 (Previously added): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant 35Y54 representative seed of said hybrid maize plant having been deposited under ATCC Accession No. _____.

Claim 42 (Previously added): A method for producing a 35Y54 progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said 35Y54 progeny maize plant.

Claim 43 (Previously added): The method of claim 42 further comprising the step of:

- (c) selecting and harvesting 35Y54 progeny maize plants which comprise 2 or more 35Y54 characteristics described in table 1 or 2.

Claim 44 (Canceled)

Claim 45 (Previously added): A method of making a hybrid maize seed 35Y54 comprising:

crossing an inbred maize plant GE570932 and GE486862, deposited as _____ and _____, respectively to produce hybrid maize seed 35Y54.

Claim 46 (Previously added): A process for isolating an inbred parent of hybrid maize plant 35Y54, representative seed of which have been deposited under ATCC Accession No. _____, comprising:

- (a) planting a collection of seed comprising seed of hybrid maize plant 35Y54, said collection also comprising seed of said inbred parent;
- (b) growing plants from said collection of seed;
- (c) identifying an inbred parent plant; and
- (d) selecting said inbred parent plant.

Claims 47-48 (Canceled)

Claim 49 (Previously added): A method for producing a 35Y54 progeny maize plant comprising:

- (a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a 35Y54 progeny maize plant.

Claim 50 (Previously added): A maize plant produced by the method of claim 49, said maize plant having received all of its alleles from hybrid maize plant 35Y54.

Claim 51 (Previously added): A method for producing a population of 35Y54 progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of 35Y54 progeny inbred maize plants.

Claim 52 (Currently amended): ~~A~~The maize plant population of 35Y54 progeny inbred maize plants from the inbred population of maize plants produced by the method of claim 62, said ~~plant population~~ having received all of its alleles from hybrid maize plant 35Y54.

Claims 53-54 (Canceled)

Clam 55 (New): The maize plant produced by the method of claim 37 wherein said maize plant exhibits no statistically significant variation from 35Y54, other than variation caused by the addition of said mutant gene or transgene, and wherein significance is determined at a 5% significance level when grown in the same environmental conditions as 35Y54.